

Georgetown Charter Township
SOLICITATION AND TRANSIENT MERCHANT
PERMIT APPLICATION *(revised 3/24/2011)*

1. Solicitation cannot begin until a permit has been approved by the Township for each solicitor, transient merchant and helper.
2. A completed Solicitation and Transient Merchant Permit application, picture identification and \$100.00 deposit of cash or cashier's check must be submitted for each solicitor, transient merchant and helper at the time of application.
3. Deposits will be returned to the person or business listed on the application to receive the refunded deposit when the permit has expired or the business of being a transient merchant has ended without violation of any federal, state and local laws or ordinances after the Township receives the signed Request Form.
4. **Requests for deposit refunds must be made in writing on the permit form that was issued to the solicitor.** That is the ONLY form that will be accepted in order for a refund of the deposit to be issued. The bottom part of the permit must be completed with a date and signature of the person (or person representing the business) who is to receive the refund. **The permit form must be returned to the Township as the Request Form for a deposit refund.**
5. **The deposit will be returned within 30 days in a check format made out and sent to the person or business listed on the application as the person or business to receive the refunded deposit.**
6. **Deposit refunds will be forfeited if the signed request form is not received by the Township within three months from the date the permit expires whether or not the permit was picked up from the Township.**
7. Any deposit submitted at the time of application will not be returned if the applicant is not approved by the Ottawa County Sheriff's Department as meeting the criteria listed in the ordinance (note Sec. 14-71 (3) Criteria).

Sec. 14-71. Criteria.

Transient merchants must meet the following criteria when conducting business:

- (1) Hours are restricted to 9:00 a.m. until 8:00 p.m.;
 - (2) Abide by all federal, state and local laws and ordinances;
 - (3) **Must not have been convicted of a felony or have any outstanding warrants;**
 - (4) Must carry the permit on their person, along with picture identification when conducting business within the township.
8. Hours of solicitation are restricted to 9:00 am until 8:00 pm. If solicitation is conducted during hours other than those allowed, the permit may be revoked and the deposit withheld.
 9. The permit with picture identification must be carried by the applicant and visible from five feet away at all times when the solicitor is conducting business within the township. **The permit is NOT transferable.**
 10. The solicitor should at all times:
 - a. Be courteous.
 - b. Stay on walk-ways or driveways; do not walk across yards or on grass.
 - c. Carefully read the attached copy of the Solicitor and Transient Merchant Ordinance No. 2007-02.
 - d. Sign below acknowledging an understanding of the ordinance and stipulations.

Signature

Date

SOLICITATION PERMIT APPLICATION

Today's Date:_____

Name of person soliciting (printed):_____

First Middle Last

Address of person soliciting:_____

Driver's License Number of person soliciting:_____

Name of Business (printed):_____

Business Address (printed):_____

Phone number of business:_____ Phone number of solicitor:_____

Type of vehicle:_____ License plate number:_____

Michigan sales tax number (copy required):_____

Type of merchandise or publication to be distributed in the area:_____

Length of time in the Township: Starting date:_____ Ending date:_____

APPLICANT'S STATEMENT

The information provided in this application for solicitation is true and complete to the best of my knowledge. The Township (Ottawa County Sheriff's Department) has my permission to contact directly or employ the services of investigative agencies to do a background check to obtain all necessary information about the above applicant. I release all parties from any possible damages resulting from receiving such information with or without written notice to me. The above information will be shared with the Clerk's office and the Ottawa County Sheriff's Department. I acknowledge there are no refunds for any reason (other than as detailed below). I acknowledge that refunds must be requested within three months of the permit expiration date or the deposit will be forfeited.

Signature of person soliciting:_____

DEPOSIT REFUND INFORMATION-to be completed at the time of application

The deposit will be refunded as a check mailed to the person or business listed below within thirty (30) days of the date the Township receives the signed form for the request for the refund as long as the request is received by the Township within three months from the date the permit expires. Requests for refunds of the deposit must be made in writing on the form at the bottom of the permit (after the soliciting is completed). Refunds will only be made after the permit has expired or the applicant's business of being a transient merchant has ended without violation of any federal, state and local laws or ordinances.

Name of person or business to receive refunded deposit (printed):_____

Complete address of person or business to receive the refunded deposit:_____

Number Street

City State Zip Code

Office use: P.P. # _____ Permit # _____

ARTICLE III. SALESPeOPLE, SOLICITORS AND TRANSIENT MERCHANTS

Sec. 14-66. Purpose.

The purpose of this article is to promote and safeguard the public health, safety, general welfare and peace of the people of the township and to protect the people of the township from endangerment associated with those who would take the opportunity to canvas streets with intentions to violate laws and ordinances. (Ord. No. 106, § II, 5-14-62; Ord. No. 2007-02, 4-9-07)

Sec. 14-67. Definitions.

For purposes of this section, the following terms, phrases, words, and their derivations, shall have the meaning given in this section.

Person includes firms, joint ventures, partnerships, corporations, estates, trusts, units of government, clubs and all associations or organizations of natural persons, either incorporated or unincorporated, howsoever operating or named, and whether acting by themselves or by a servant, agent or fiduciary, and includes all legal representatives, heirs, successors and assigns thereof.

Solicitor means any person who canvasses for social and political causes or for religious or charitable organizations.

Transient merchant means any person traveling by foot, vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street who sells or offers for sale, or exposes for sale any goods, wares, merchandise or food or who attempts to take orders for the sale of goods, wares, merchandise or foods, or offers and exposes the same for sale, for future delivery, or for services to be furnished or performed in the future. (Ord. No. 2007-02, 4-9-07)

Sec. 14-68. Permit required; exceptions.

No person eighteen (18) years of age or older shall engage in the business of being a transient merchant or solicitor within the township without first obtaining a permit from the township clerk or designee. The township clerk shall issue a permit without the payment of any fee. A deposit, as established by the township board, shall be required for each transient merchant or helper.

- (1) The provisions of this article shall not apply to any person organized and operating exclusively for religious purposes and not operated for the pecuniary profit of a person.
- (2) The provisions of this article shall not apply to any solicitation for a charitable purpose by any person solely upon premises owned or occupied by it and solely among its officers, members or employees.
- (3) Charities recognized by the federal and/or state authorities shall be exempt.
- (4) No permit shall be required of any person for any mere delivery in the township of any property purchased or acquired in good faith from such person at his regular place of business where no intent by such person is shown to exist to evade the provisions of this chapter.

(Ord. No. 2007-02, 4-9-07)

Sec. 14-69. Application.

Applications for permits under this article shall be filed with the township clerk upon forms furnished by the township at least seven (7) days prior to the commencement of the proposed business of being a transient merchant or solicitor.

(Ord. No. 2007-02, 4-9-07)

Sec. 14-70. Permit issuance.

The township clerk, or designee, shall issue a permit for a person to engage in the business of being a transient merchant or solicitor when the following are met:

- (1) A signed and completed application has been submitted on forms provided by the township including length of time for the business of being a transient merchant and/or solicitor;
- (2) Personal identification with a picture is provided for each transient merchant, solicitor and helper;
- (3) A deposit in the amount designed by resolution of the township board is supplied to the township for each transient merchant and helper at the time of application. The deposit shall be returned to the transient merchant and/or helper when the timeframe approved for the business of being a transient merchant has expired and their business of being a transient merchant has ended without violation of any federal, state and local laws or ordinances.

(Ord. No. 2007-02, 4-9-07)

Sec. 14-71. Criteria.

Transient merchants must meet the following criteria when conducting business:

- (5) Hours are restricted to 9:00 a.m. until 8:00 p.m.;
- (6) Abide by all federal, state and local laws and ordinances;
- (7) Must not have been convicted of a felony or have any outstanding warrants;
- (8) Must carry the permit on their person, along with picture identification when conducting business within the township.

(Ord. No. 2007-02, 4-9-07)

Sec. 14-72. Revocation.

The township clerk shall have the authority to suspend or revoke any permit if the transient merchant:

- (1) Violates any federal, state or local laws or ordinances;
- (2) Conducts business between the hours of 8:00 p.m. and 9:00 a.m. within the township;
- (3) Is convicted of a felony;
- (4) Fails to carry picture identification and the permit while conducting business within the township.

(Ord. No. 2007-02, 4-9-07)

Sec. 14-73. Right to appeal.

Any person aggrieved by the action of the township clerk or designee in the denial of an application for a permit as provided in this article, or in the decision with reference to the revocation of a permit as provided in this article, shall have the right of appeal to the township board. Such appeal shall be made by filing with the township board, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The township board shall set a time and place for a hearing on such appeal and notice of such hearing shall be mailed to such person's last known address. The decision and order of the township board on such appeal shall be final and conclusive.

(Ord. No. 2007-02, 4-9-07)

Sec. 14-74. Penalty.

Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of this article, shall be responsible for a municipal civil infraction, and shall be punished by a fine as set forth in the Schedule of Civil Fines (Appendix C), and court costs. Equitable relief may also be awarded as permitted by Michigan law. Each act of violation and every day upon which any such violation shall occur shall constitute a new and separate offense.

(Ord. No. 2007-02, 4-9-07)